

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.668 OF 2005

IN

ARBITRATION PETITION NO.94 OF 2005

Marris Spinners Ltd. Unit II ... Petitioners.

vs.

Maharashtra State Co-op. Cotton Grower
Marketing Fed. Ltd. ... Respondents.

Mr.N.Jayaraman, for Petitioners.

Mr.A.S.Gadkari, for Respondents.

CORAM: D.K.DESHMUKH,J.

DATED: 19th April,2005

P.C.:-

1. This is a Notice of Motion taken out by the petitioners for condonation of delay in filing the arbitration petition. According to the petitioners, the petitioners have received the Award on 2nd

November,2004 and therefore, there is delay of about 28 days in filing the petition. According to the Respondents, however, the petitioners have received the Award on 29th October,2004. Even, that is taken to be a date of receipt of the Award, then also the petition which has been filed on 28th February,2005 will be the petition within 30 days from the expiry of the period of three months, and therefore, the delay is condonable.

2. Considering the reason that has been given in the affidavit filed in support of the Notice of Motion that the concerned officer of the petitioners was ill for about more than a month, in my opinion, the delay deserves to be condoned. Notice of Motion granted in terms of prayer clause (a).
